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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2008-305

13 LISA CHERIE GUERRA NIMMO
1235 Pumalo Street
San Bernardino, CA 92404

A C C U S A T I O N

14 Registered Nurse License No. 535474

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
21 (Board), Department of Consumer Affairs.

22 2. On or about August 18, 1997, the Board issued Registered Nurse License
23 No. 535474 to Lisa Cherie Guerra Nimmo (Respondent). The Registered Nurse License was in
24 full force and effect at all times relevant to the charges brought herein and will expire on August
25 31, 2009.

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1 “(b) Use any controlled substance as defined in Division 10 (commencing with
2 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as
3 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or
4 injurious to himself or herself, any other person, or the public or to the extent that such use
5 impairs his or her ability to conduct with safety to the public the practice authorized by his or her
6 license.

7 “(c) Be convicted of a criminal offense involving the prescription, consumption,
8 or self-administration of any of the substances described in subdivisions (a) and (b) of this
9 section, or the possession of, or falsification of a record pertaining to, the substances described in
10 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
11 thereof.”

12 8. Section 490 of the Code states:

13 “A board may suspend or revoke a license on the ground that the licensee has
14 been convicted of a crime, if the crime is substantially related to the qualifications, functions, or
15 duties of the business or profession for which the license was issued. A conviction within the
16 meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo
17 contendere. Any action which a board is permitted to take following the establishment of a
18 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has
19 been affirmed on appeal, or when an order granting probation is made suspending the imposition
20 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the
21 Penal Code.”

22 9. California Code of Regulations, title 16, section 1444 states:

23 “A conviction or act shall be considered to be substantially related to the
24 qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the
25 present or potential unfitness of a registered nurse to practice in a manner consistent with the
26 public health, safety, or welfare.”

27 10. Section 125.3 of the Code provides, in pertinent part, that the Board may
28 request the administrative law judge to direct a licensee found to have committed a violation or

1 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
2 and enforcement of the case.

3 FIRST CAUSE FOR DISCIPLINE

4 (Conviction of Substantially Related Crimes)

5 11. Respondent is subject to disciplinary action under section 2761,
6 subdivision (f) and 490, in conjunction with California Code of Regulations, title 16, section
7 1444, in that Respondent has been convicted of crimes substantially related to the qualifications,
8 functions or duties of a registered nurse, as follows:

9 a. On or about May 16, 2006, Respondent was convicted by the Court on a
10 guilty plea for violating two counts of Vehicle Code section 23152, subdivision (b) (driving
11 while having 0.08% and more, by weight of alcohol in her blood), a misdemeanor, in the
12 Superior Court of California, County of San Bernardino, Central Judicial District, Case No.
13 TRE038932 entitled *The People of the State of California v. Lisa Cherie Nimmo*.

14 b. The circumstances underlying the conviction are that on or about March
15 12, 2006, Respondent drove a vehicle while having 0.08% and more, by weight, of alcohol in her
16 blood.

17 c. On or about May 16, 2006, Respondent was convicted by the Court on a
18 guilty plea violating one count of Vehicle Code section 23152, subdivision (b) (driving while
19 having 0.08% and more, by weight of alcohol in her blood), a misdemeanor, in the Superior
20 Court of California, County of San Bernardino, Central Judicial District, Case No. TSB119801
21 entitled *The People of the State of California v. Lisa Cherie Nimmo*.

22 d. The circumstances underlying the conviction are that on or about
23 December 23, 2005, Respondent drove a vehicle while having 0.08% and more, by weight, of
24 alcohol in her blood.

25 e. On or about January 20, 2005, Respondent was convicted by the Court on
26 a plea of nolo contendere for violating one count of Vehicle Code section 23152, subdivision (a)
27 (driving under the influence of alcohol or drugs), a misdemeanor, in the Superior Court of

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1 California, County of Los Angeles, Citrus Judicial District, Case No. 5JM00287 entitled *The*
2 *People of the State of California v. Lisa Cherie Nimmo*.

3 f. The circumstances underlying the conviction are that on or about
4 November 26, 2004, Respondent unlawfully drove a vehicle while under the influence of alcohol
5 or drugs.

6 SECOND CAUSE FOR DISCIPLINE

7 (Dangerous Use of Alcohol)

8 12. Respondent is subject to disciplinary action under section 2761,
9 subdivision (a), on the ground of unprofessional conduct, as defined in section 2762, subdivision
10 (b), in that on or about November 26, 2004, December 23, 2005, and March 12, 2006,
11 Respondent used alcoholic beverages to an extent or in a manner dangerous or injurious to
12 herself, and the public, when she operated a vehicle while being under the influence of alcohol or
13 drugs and having 0.08% and more, by weight of alcohol in her blood, as more fully set forth
14 above in paragraph 11.

15 THIRD CAUSE FOR DISCIPLINE

16 (Conviction Involving the Consumption of Alcohol)

17 13. Respondent is subject to disciplinary action under section 2761,
18 subdivision (a), on the ground of unprofessional conduct, as defined in section 2762, subdivision
19 (c), in that on or about January 20, 2005 and May 16, 2006, Respondent was convicted of a crime
20 involving the consumption of alcohol, as more fully set forth above in paragraph 11.

21 PRAYER

22 WHEREFORE, Complainant requests that a hearing be held on the matters herein
23 alleged, and that following the hearing, the Board issue a decision:


24 1. Revoking or suspending Registered Nurse License No. 535474, issued to
25 Lisa Cherie Guerra Nimmo.

26 2. Ordering Lisa Cherie Guerra Nimmo to pay the Board the reasonable costs
27 of the investigation and enforcement of this case, pursuant to Business and Professions Code
28 section 125.3.

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3. Taking such other and further action as deemed necessary and proper.

DATED: 4/29/08


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
State of California
Complainant

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